REMARKS

Claims 1 and 13 have been amended. Claims 1 to 5 and 13 to 17 remain active in this application.

The specification has been amended and claims 1 and 13 have been amended to remove the objection thereto.

With respect to the issue of double patenting, it is respectfully submitted that the issue is no longer valid in view of the amendments to claims 1 and 13. The feature of transmitting a primary, a secondary and a tertiary synchronization code over respective adjacent channels during a first symbol time in each of the time slots is never claimed in the issued patent or other pending application and is a patentable feature separate and distinct from the inventions claimed in the patent and pending application.

In view of the above paragraph, the rejection of claims 1 to 5 and 13 to 17 on the ground of double patenting (Issues 1 and 2) is respectfully traversed.

Claims 1 to 4 and 13 to 16 were rejected under 35 U.S.C. 102(e) as being anticipated by Nystrom et al. (U.S. 6,185,244). The rejection is respectfully traversed.

Each of claims 1 and 13 now requires the step of transmitting a primary, a secondary and a tertiary synchronization code over respective adjacent channels during a first symbol time in each of the time slots. No such feature is taught or even remotely suggested by Nystrom et al.

Claims 1 and 13 further requires that there be either transmitted or received in each time slot each of a plurality of data symbols in each respective time slot and each of a primary, a secondary and a tertiary synchronization code in each said predetermined number of time slots. No such concept is anywhere taught or suggested by Nystrom et al. A reading

of Nystrom et al. relative to the figures cited in the rejection nowhere mentions a third synchronization code, let alone a third synchronization code in the same time slot with the first and second synchronization codes. It is respectfully submitted that Fig. 16 of Nystrom et al. shows only a first and second (PSC and SSC) synchronization code. Nothing else in Nystrom et al. is stated to be a synchronization code. Furthermore, three separate and distinct synchronization codes as claimed are nowhere found in the same slot in Nystrom et al. as required by the claims of the subject application.

Claims 2 to 5 and 14 to 17 define patentably over Nystrom et al. for at least the reasons presented above with reference to the claims from which they depend.

In addition, claims 2 further limits claim 1 by requiring that the secondary and the tertiary synchronization codes identify a subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 3 further limits claim 2 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of synchronization code elements, the predetermined order corresponding to the subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 4 further limits claim 1 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of common synchronization code elements. No such combination is taught or suggested by Nystrom et al.

Claim 5 further limits claim 1 by requiring that a mobile receiver identifiy a first time slot of the frame by the tertiary synchronization code. No such combination is taught or suggested by Nystrom et al.

Claim 14 further limits claim 17 by requiring that the secondary and the tertiary synchronization codes identify a subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 15 further limits claim 14 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of synchronization code elements, the predetermined order corresponding to the subset of codes. No such combination is taught or suggested by Nystrom et al.

Claim 16 further limits claim 13 by requiring that the secondary and tertiary synchronization codes be formed from a predetermined order of common synchronization code elements. No such combination is taught or suggested by Nystrom et al.

Claim 17 further limits claim 13 by requiring that the tertiary synchronization code order corresponds to an order of time slots in the frame. No such combination is taught or suggested by Nystrom et al.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

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